

## **REMARKS/ARGUMENTS**

### **I. CLAIM STATUS**

Claims 1 -21 are pending. Claims 1-21 are rejected as being based upon a defective reissue declaration. Claims 2-4, 6, and 11-20 are rejected under 35 U.S.C. 112, second paragraph; namely, that claims 2-4, 6, 11, 13, and 18 lack a proper antecedent basis. The Application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent.

The Applicant has submitted herewith a Supplemental Reissue Declaration correcting the defective reissue application as instructed by the Office Action. The Applicant amended claims 2, 4, 6, 11, 13, and 18 to provide proper antecedent basis, and overcome the rejection. The Applicant has submitted herewith a Statement of Non-Assignment to correct an error in the original application as there was no assignment, and the inventor owns the undivided interest in the patent.

All claims are in condition for allowance, and allowance and reissue of the patent is hereby requested.

### **II. OBJECTIONS AS TO FORM – CORRECTED STATEMENT OF NON-ASSIGNMENT**

The Office Action objected to the Application as lacking the written consent of all assignees owning an undivided interest in the patent. However, there are no assignees of the patent. The inventor did not assign the patent.

The instant patent was and has not been assigned, and the entire undivided interest is in the inventor. The original "Statement of Non-Assignment," filed August 28, 2001, had the wrong box checked, and the submitted paper work was incorrect. The Applicant has submitted herewith a Statement of Non-Assignment to correct this inadvertent error.

Thus, to correct this error, the Applicant has submitted herewith a correct Statement of Non-Assignment.

### **III. SUPPLEMENTAL REISSUE DECLARATION**

The Office Action rejected claims 1-21 as based on a defective reissue declaration; namely, the declaration did not identify an error to support the reissue application, and

explain the broadening of claim 1 in particularity. The Office Action also found the recitation of the patentee "claiming **more or less** than he had a right to claim" as improper.

The Applicant has corrected the defective reissue application by identifying the error, and explain the broadening of claim 1, as instructed by the Office Action. The Applicant has also corrected the other error by stating the patentee was claiming **less than** he had a right to claim. The Applicant has submitted a Supplemental Reissue Declaration with an **Attachment A**, a corrected reissue declaration, signed by the inventor, that includes the identification of the error, as instructed by the Office Action, and the statement that the patentee was claiming less than he had a right to claim. The Applicant incorporates by reference herein, the portion of the corrected reissue declaration, that corrects the above defects contained in the original declaration.

Thus, the submitted Supplemental Reissue Declaration corrects all errors noted in the Office Action.

#### **IV. AMENDMENTS RENDER ALL PENDING CLAIMS ALLOWABLE**

The Applicant amended claims 2, 4, 6, 11, 13, and 18 to provide proper antecedent basis, and overcome the rejections. The support for the claim changes are described on page 10 of the instant Amendment pursuant to 37 C.F.R. 1.173(c). Therefore, all claims are in condition for allowance.

#### **V. Conclusion**

With the above amendment and submissions, Applicant respectfully requests the allowance of all claims and reissuance of the patent.

Respectfully submitted,

Dated: 8/28/07

By Gerald E. Helget  
Gerald E. Helget (Reg. No. 30,948)  
Nelson R. Capes (Reg. No. 37,106)  
Briggs & Morgan P.A.  
80 South Eighth Street  
2200 IDS Center  
Minneapolis, MN 55402  
Telephone: (612) 977-8480